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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/530,042

10/19/2005

Tohru Kanegae

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EXAMINER

KHAN, ASHER R

ART UNIT

PAPER NUMBER

2621

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/530,042	Applicant(s) KANEGAE ET AL.	
	Examiner ASHER KHAN	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04/01/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/01/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 12 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. "Computer-readable medium" is not described in the specification. Specification only mentions information record medium in paragraphs 0001, 0002, 0008, 0011 and so on.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claim 1, 2 and 4-13 are rejected under 35 U.S.C. 102(e) as being unpatentable over U.S. Patent Pub. 2002/0110368 A1 to Mori et al. "Mori".**

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As to claim 1, 6, 7, 8, 9, 10, 11, 12 and 13, Mori discloses an information record reproduction apparatus comprising:

a first record unit which records plural still picture information on an information record medium (0002;0010);

a second record unit which records, on the information record medium (0010), transition effect information including transition effect kind information (0222) indicating a kind of transition effect (0022; wiping in several directions, fading into black and etc), , transition effect time information indicating a period of the transition effect (0221, transition time period) and cross transition information indicating whether or not to apply a cross transition (apply transition or no transition 0403-0405) executing the transition effect between successive still picture information in parallel in terms of time, for each still picture information between the plural still picture information to be successively reproduced (0403-0405; Fig. 66; ability to immediately display a picture i.e. no transition or ability to display transition effect i.e. transition);

a reading unit which reads the plural still picture information and the transition effect information from the information record medium (0404); and

a reproduction unit which controls presence or absence of application of the cross transition(no transition) in accordance with the transition effect information and reproduces the plural still pictures (0403-0405; Fig. 66; ability to immediately display a picture i.e. no transition and ability to display transition effect i.e. transition)

As to claim 2, Mori further discloses wherein the transition time information includes:

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start transition effect time information indicating a period of a transition effect at a time of starting a display of the still picture information; and
end transition effect time information indicating a period of a transition effect at a time of ending the display of the still picture information (0221).

As to claim 4, Mori discloses wherein the transition effect information is recorded for each still picture set constructed by the still picture information to be successively reproduced, and the cross transition (no transition) information is identically defined for all the transitions between the plural still picture information included in the still picture set (Fig. 25; 0221-0222).

As to claim 5, Mori further comprising playlist information defining a reproduction sequence of the plural still pictures, wherein the transition effect information is included in the playlist information (Fig. 40 ;0403-405).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent Pub. 2002/0110368 A1 to Mori et al. "Mori" and in view of U.S. Patent

5,959,690 to Toebe, VIII et al. "Toebe"

As to claim 3, Mori as discussed in claim 1 above does not expressly disclose wherein the cross transition is a process of executing a transition at a time of ending a

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display of first still picture information and a transition at a time of starting a display of second still picture information to be reproduced subsequently to the first still picture information during a same period.

Toebe discloses wherein the cross transition (Fig. 12 shows cross transition) is a process of executing a transition at a time of ending a display of first still picture (From Frame is a first still picture, Fig. 12) information and a transition at a time of starting a display of second still picture (To Frame is a second still picture, Fig. 12) information to be reproduced subsequently to the first still picture information during a same period (Col. 22, lines 21-67; Fig. 12).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Mori with the teachings of Toebe. Motivation to combine would have been to allow a viewer of pictures or frames to view the next frame before waiting for the previous frame to completely go off the screen. Thus saving time to a viewer.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHER KHAN whose telephone number is (571)270-5203. The examiner can normally be reached on 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks- Harold can be reached on (571)272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

/A. K./
Examiner, Art Unit 2621